## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION

ROYSTON L. GAZAWAY,	)
Petitioner,	) )
v.	) CIVIL ACTION NO. 5:14-CV-33 (MTT)
Commissioner BRIAN OWENS,	)
Respondent.	)
	)

## <u>ORDER</u>

This matter is before the Court on the Recommendation (Doc. 14) of United States Magistrate Judge Charles H. Weigle on Petitioner Royston Gazaway's motion to voluntarily dismiss his unexhausted Section 2254 habeas petition (Doc. 13). The Magistrate Judge recommends granting the Petitioner's motion to allow him to exhaust his state remedies. Neither Party filed an objection to the Recommendation. The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge. The Recommendation is adopted and made the order of this Court, the Petitioner's motion to voluntarily dismiss is **GRANTED**, and the Petitioner's petition for writ of habeas corpus (Doc. 1) is **DISMISSED without prejudice**. The Respondent's motion to dismiss (Doc. 9) is **DENIED as moot**.

**SO ORDERED**, this the 26th day of June, 2014.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT